

REMARKS

Claims 22-29 are pending in the present application. Claims 1-21 and 30-34 were withdrawn in the previous response. Claims 22-27 and 29 are rejected under 35 U.S.C. 102(b), and claim 28 is objected to. Claims 22 and 28 are amended. No new matter is added. The rejections are respectfully traversed in light of the following remarks, and reconsideration is requested.

Rejections under 35 U.S.C. § 102(b)

Claims 22-27 and 29 were rejected under 35 U.S.C. 102(b) as being anticipated by Heredia et al. (U.S. Pat. 6,327,972). In rejecting claim 22, the Examiner writes in part that "the recitation of 'attempting N-1 . . . determined', this method step is directly depending on the value on N and since the N value in claim 1 can be any number therefore, if N=1, then there is no additional attempting interrogation is required." Heredia et al. discloses interrogating a tag only once.

In contrast, claim 22, as amended, recites "interrogating the RFID tag in the label; determining if the interrogating was successful; attempting N-1 additional interrogations until a successful interrogation is determined, wherein N is greater than 1." As disclosed in Applicant's specification at page 14, lines 2-6, "Multiple read attempts allow the printer system to designate a faulty label with a higher level of confidence since some reads may not properly read the tag data, due to various factors, including interference from other sources." Thus, no new matter is added. Applicant's invention, recited in claim 22, allows a more accurate decision because of multiple interrogations on the RFID tag.

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Therefore, because Heredia et al. does not teach or disclose "attempting N-1 additional interrogations until a successful interrogation is determined, wherein N is greater than 1", as recited in claim 22, claim 22 is patentable over Heredia et al.

Claims 23-27 and 29 depend on claim 22 and are thus patentable over Heredia et al. for at least the same reasons discussed above with respect to claim 22.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections under 35 U.S.C. § 102.

Objections to Claims

Claim 28 was objected to as being dependent on a rejected base claim. Claim 28 has been amended to independent form and to include the limitations of base claim 22.


Accordingly, claim 28 is now allowable.

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CONCLUSION

For the foregoing reasons, Applicant believes pending claims 22-29 are allowable, and a notice of allowance is respectfully requested. If the Examiner has any questions regarding the application, the Examiner is invited to call the undersigned Attorney at (949) 752-7040.

Certification of Facsimile Transmission	
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 Monique M. Butler	January 28, 2005 Date of Signature

Respectfully submitted,


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